

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:08CV108-01-MU

JAMES E. WHALEY
DUDLEY L. SKIPPER,

Plaintiffs,

v.

PERRY HATCHER, et al.,

Defendants.

ORDER

THIS MATTER comes before the Court for an initial review of Plaintiffs' Complaint pursuant to 42 U.S.C. § 1983, filed March 25, 2008.

Federal law requires that a Plaintiff in a civil action pay a filing fee in the amount of \$350.00, plus service fees and other costs. A plaintiff who cannot pay the filing fee may submit an in forma pauperis application in conjunction with the filing of his Complaint. The Plaintiffs in the instant case have not submitted in forma pauperis applications¹ or paid the three-hundred and fifty dollar filing fee. Consequently, the Court will dismiss the Plaintiffs' Complaint without prejudice.

IT IS THEREFORE ORDERED THAT:

1. The Plaintiffs' Complaint is **DISMISSED without prejudice**; and

¹ The Court notes that Plaintiff Whaley references requesting pauper status. No such request has been found by the Court.

2. The Clerk is directed to send Plaintiffs § 1983 Complaint forms and in forma pauperis application forms.

Signed: March 26, 2008

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

